UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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AKERMAN SENTERFITT
P. O. BOX 3188
WEST PALM BEACH, FL 33402-3188

EXAMINER
NGUYEN, TOAN D

ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/910,270	CREAMER ET AL.
	Examiner	Art Unit	
	Toan D Nguyen	2665	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _19 July 2001_.
2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-44_ is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-44_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on _9/24/01_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _4/29/02_.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-17 and 21-37 are rejected under 35 U.S.C. 102(e) as being anticipated by

Cloutier (US 6,772,188).

For claim 1, Cloutier discloses method and apparatus for communicating with an entity

automatically identified in an electronic communication, comprising:

inserting in an e-mail message a voice communication identifier (figure 2, reference step

204, col. 5 lines 29-34 and col. 5 lines 40-44);

transmitting said e-mail message to a recipient (figure 2, reference 206, col. 5 lines 37-

40); and

responsive to said recipient selecting said voice communication identifier (figure 2,

reference step 214, col. 6 lines 33-38), establishing a voice communications link with said

recipient (col. 6 lines 40-42).

For claim 2, Cloutier discloses wherein said inserting step further comprises the step of

inserting in said e-mail message a selectable symbol denoting voice communication availability

(figure 2, reference steps 210 and 214, col. 6 lines 1-5 and col. 6 lines 33-44).

For claim 3, Cloutier discloses wherein said inserting step further comprises the step of:

inserting in said e-mail message a reference to a sender of said e-mail message 9figure 2, reference step 204, col. 5 lines 29-36); and

embedding computer program code in said e-mail message (figure 2, reference 206, col. 5 lines 37-40), wherein said computer program code is configured to establish a voice communications link with said sender (figure 2, reference step 214, col. 6 lines 33-44).

For claim 4, Cloutier discloses wherein said establishing step comprises the step of responsive to said recipient selecting said voice communications identifier, executing said embedded computer program code in order to establish a voice communications link with said sender (figure 2, reference step 214, col. 6 lines 33-45).

For claim 5, Cloutier discloses wherein said establishing step comprises the step of responsive to said recipient selecting said voice communications identifier, determining a link address for said sender based on said reference (figure 2, reference 210, col. 6 lines 1-5 and col. 6 lines 17-22), and executing said embedded computer program code in order to establish a voice communications link with said sender according to said determined line address (figure 2, reference step 214, col. 6 lines 33-45).

For claim 6, Cloutier discloses wherein said link address is a telephone number (col. 6 line 20).

For claim 7, Cloutier discloses wherein said link address is an IP address (col. 6 line 21).

For claim 8, Cloutier discloses wherein said establishing step comprises the step of responsive to said recipient selecting said voice communications identifier, establishing a Voice over IP (VoIP) based voice communications link with said recipient (figure 2, reference step 214, col. 6 lines 33-45).

For claim 9, Cloutier discloses wherein said establishing step comprises the step of responsive to said recipient selecting said voice communications identifier, establishing a telephony-based voice communications link with said recipient over a public switched telephone network (PSTN) (col. 6 line 20).

For claim 10, Cloutier discloses method and apparatus for communicating with an entity automatically identified in an electronic communication, comprising:

detecting a voice communication identifier in an e-mail message transmitted by a sender (figure 2, reference step 206, col. 5 lines 37-44);

responsive to detecting said voice communications identifier, displaying a selectable icon (figure 2, reference step 208, col. 5 lines 57-61); and

responsive to a selection of said icon (figure 2, reference step 214, col. 6 lines 33-38), establishing a voice communications link with said sender (col. 6 lines 40-42).

For claim 11, Cloutier discloses wherein said establishing step comprises the step of:

extracting from said e-mail message embedded computer program code configured to establish a voice communications link with said sender (figure 2, reference 206, col. 5 lines 50-52); and

responsive to said selection of said icon, executing said embedded computer program code in order to establish a voice communications link with said sender (figure 2, reference step 214, col. 6 lines 33-45).

For claim 12, Cloutier discloses the step of extracting an embedded reference to said sender from said e-mail message (col. 5 lines 50-56).

For claim 13, Cloutier discloses wherein said executing step further comprises the step of:

determining a link address for said sender based on said extracted reference (figure 2, reference 210, col. 6 lines 1-5 and col. 6 lines 17-22), and

executing said embedded computer program code in order to establish a voice communications link with said sender according to said determined line address (figure 2, reference step 214, col. 6 lines 33-45).

For claim 14, Cloutier discloses wherein said link address is a telephone number (col. 6 line 20).

For claim 15, Cloutier discloses wherein said link address is an IP address (col. 6 line 21).

For claim 16, Cloutier discloses wherein said establishing step comprises the step of responsive to said recipient selecting said voice communications identifier, establishing a Voice over IP (VoIP) based voice communications link with said recipient (figure 2, reference step 214, col. 6 lines 33-45).

For claim 17, Cloutier discloses wherein said establishing step comprises the step of responsive to said recipient selecting said voice communications identifier, establishing a telephony-based voice communications link with said recipient over a public switched telephone network (PSTN) (col. 6 line 20).

For claim 21, Cloutier discloses method and apparatus for communicating with an entity automatically identified in an electronic communication, comprising:

inserting in an e-mail message a voice communication identifier (figure 2, reference step 204, col. 5 lines 29-34 and col. 5 lines 40-44);

transmitting said e-mail message to a recipient (figure 2, reference 206, col. 5 lines 37-40); and

responsive to said recipient selecting said voice communication identifier (figure 2, reference step 214, col. 6 lines 33-38), establishing a voice communications link with said recipient (col. 6 lines 40-42).

For claim 22, the claim is directed to the same subject matter in claim 2. Therefore, it is subjected to the same rejection.

For claim 23, the claim is directed to the same subject matter in claim 3. Therefore, it is subjected to the same rejection.

For claim 24, the claim is directed to the same subject matter in claim 4. Therefore, it is subjected to the same rejection.

For claim 25, the claim is directed to the same subject matter in claim 5. Therefore, it is subjected to the same rejection.

For claims 26 and 34, the claims are directed to the same subject matter in claim 6. Therefore, they are subjected to the same rejection.

For claims 27 and 35, the claims are directed to the same subject matter in claim 7. Therefore, they are subjected to the same rejection.

For claims 28 and 36, the claims are directed to the same subject matter in claim 8. Therefore, they are subjected to the same rejection.

For claims 29 and 37, the claims are directed to the same subject matter in claim 9.

Therefore, they are subjected to the same rejection.

For claim 30, Cloutier discloses method and apparatus for communicating with an entity

automatically identified in an electronic communication, comprising:

detecting a voice communication identifier in an e-mail message transmitted by a sender

(figure 2, reference step 206, col. 5 lines 37-44);

responsive to detecting said voice communications identifier, displaying a selectable icon

(figure 2, reference step 208, col. 5 lines 57-61); and

responsive to a selection of said icon (figure 2, reference step 214, col. 6 lines 33-38),

establishing a voice communications link with said sender (col. 6 lines 40-42).

For claim 31, the claim is directed to the same subject matter in claim 11. Therefore, it is

subjected to the same rejection.

For claim 32, the claim is directed to the same subject matter in claim 12. Therefore, it is

subjected to the same rejection.

For claim 33, the claim is directed to the same subject matter in claim 13. Therefore, it is

subjected to the same rejection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5.   Claims 18-20 and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Cloutier (US 6,772,188) in view of Funk et al (US 5,937,162).

        For claim 18, Cloutier discloses extracting from said e-mail message embedded

references to said sender (figure 2, reference 206, col. 5 lines 37-56); and

        displaying a corresponding selectable icon (figure 2, reference 208, col. 5 lines 57-61).

However, Cloutier does not disclose at least one other recipient of said e-mail message and

displaying for each of said at least one other recipient. In an analogous art, Funk et al disclose at

least one other recipient of said e-mail message and displaying for each of said at least one other

recipient (figure 1, reference 114, col. 5 lines 66-67).

        One skilled in the art would have recognized at least one other recipient of said e-mail

message and displaying for each of said at least one other recipient to use the system of Funk et

al in the system of Cloutier. Therefore, it would have been obvious to one of ordinary skill in the

art at the time of the invention, to use the at least one other recipient of said e-mail message and

displaying for each of said at least one other recipient as taught by Funk et al in Cloutier's with

the motivation being to provide the information to the end-user terminals through the Internet (col. 5 lines 56-58).

For claim 19, Cloutier discloses wherein said executing step further comprises the step of:

responsive to a selection of one of said selectable icons (col. 5 lines 1-3), identifying a corresponding recipient (col. 6 lines 17-20), determining a link address for said corresponding recipient based on said extracted reference (figure 2, references 210 and 212, col. 6 lines 1-5 and col. 6 lines 17-32), and

executing said embedded computer program code in order to establish a voice communications link with said sender according to said determined line address (figure 2, reference step 214, col. 6 lines 33-45).

For claim 20, Cloutier discloses wherein said executing step further comprises the step of:

responsive to a selection of two or more of said selectable icons (col. 5 lines 1-14), identifying a corresponding recipient (col. 6 lines 17-20), determining a link address for said corresponding recipient based on said extracted reference (figure 2, references 210 and 212, col. 6 lines 1-5 and col. 6 lines 17-32), and

executing said embedded computer program code in order to establish a voice communications link with said sender according to said determined line address (figure 2, reference step 214, col. 6 lines 33-45).

For claim 38, the claim is directed to the same subject matter in claim 18. Therefore, it is subjected to the same rejection.

For claim 39, the claim is directed to the same subject matter in claim 19. Therefore, it is

subjected to the same rejection.

For claim 40, the claim is directed to the same subject matter in claim 20. Therefore, it is

subjected to the same rejection.

6.   Claims 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martino, II

(US 5,680,551) in view of Cloutier (US 6,772,188).

For claims 41-43, Martino, II discloses electronic messaging method of and system for

heterogeneous connectivity and universal and generic interfacing for distributed applications and

processes residing in wide variety of computing platforms and communication transport

facilities, comprising:

a message header component encapsulating a reference to at least one of a sending node

(figure 5, reference SENDING COMPUTER) in the network and a recipient node (figure 5,

reference RECEIVING COMPUTER) in the network (col. 10 lines 28-29);

a text message component encapsulating message text (col. 1 lines 30-36).

However, Martino, II does not disclose message text which can be extracted from the

electronic message and displayed in a message client; and

an executable voice communications link program component configured to established a

voice communications link between said sending and recipient nodes.

In an analogous art, Cloutier discloses message text which can be extracted from the

electronic message and displayed in a message client (figure 2, reference 206, col. 5 lines 38-44);

and

an executable voice communications link program component (col. 5 lines 59-61)

configured to established a voice communications link between said sending and recipient nodes

(figure 2, reference step 214, col. 6 lines 33-42). Cloutier discloses further wherein said voice

communications link is a Voice over IP (VoIP) based communication link col. 6 lines 39-44 as

set forth in claim 42); wherein said voice communications link is a telephony-based link (col. 6

lines 39-41 as set forth in claim 43).

One skilled in the art would have recognized message text which can be extracted from

the electronic message and displayed in a message client to use the teachings of Cloutier in the

system of Martino, II. Therefore, it would have been obvious to one of ordinary skill in the art at

the time of the invention, to use the message text which can be extracted from the electronic

message and displayed in a message client as taught by Cloutier in Martino, II's system with the

motivation being to locate any entity identifiers or indicators that may embedded in the

communication (col. 5 lines 38-40).

7.   Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cloutier (US

6,772,188) in view of Martino, II (US 5,680,551) further in view of Funk et al (US 5,937,162).

For claim 44, Cloutier discloses method and apparatus for communicating with an entity

automatically identified in an electronic communication, comprising:

a conventional e-mail processor (col. 2 lines 56-60), said conventional e-mail processor

extracting and displaying message text in a received e-mail (figure 2, reference steps 206 and

210, col. 5 lines 37-44 and col. 6 lines 1-5); and

a processor (col. 2 lines 58-60), said processor identifying a voice communication link

identifier in said received e-mail (col. 3 lines 49-55 and figure 2, reference 214, col. 6 lines 33-

41), displaying a selectable icon in response to detecting said voice communication link

identifier (figure 2, reference 214, col. 6 lines 33-38) and, responsive to a selection of said

selectable icon, establishing a voice communications link with a sender of said received e-mail

(col. 6 lines 40-42).

Cloutier does not disclose message text encapsulated in a received e-mail. In an

analogous art, Martino, II discloses message text encapsulated in a received e-mail (col. 1 lines

31-33).

One skilled in the art would have recognized message text encapsulated in a received e-

mail to use the teachings of Martino, II in the system of Cloutier. Therefore, it would have been

obvious to one of ordinary skill in the art at the time of the invention, to use the message text

encapsulated in a received e-mail as taught by Martino, II in Cloutier's system with the

motivation being to produce at each final destination (col. 1 lines 33-36).

However, Cloutier in view of Martino, II does not disclose a voice conversation

processor. In an analogous art, Funk et al disclose a voice conversation processor (figure 2,

reference 218, col. 6 line 34).

One skilled in the art would have recognized a voice conversation processor to use the

teachings of Funk et al in the system of Cloutier. Therefore, it would have been obvious to one of

ordinary skill in the art at the time of the invention, to use the voice conversation processor as

taught by Funk et al in Cloutier's system with the motivation being included in service
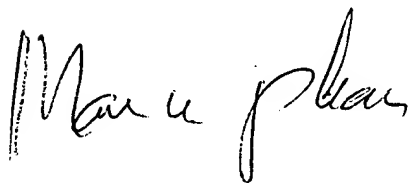
processing system (col. 6 line 32).

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Toan D Nguyen whose telephone number is 703-305-0140. The

examiner can normally be reached on Monday- Friday (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Mr. Huy Vu can be reached on 703-308-6602. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MAN U. PHAN
PRIMARY EXAMINER